

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROOTS READY MADE GARMENTS,

No. C 07-03363 CRB

Plaintiff,

**ORDER DENYING MOTION TO
DISMISS**

v.

GAP INC.,

Defendant.

Defendant's motion to dismiss the third amended complaint is DENIED. In light of the allegations set forth in Plaintiff's amended complaint, the Court finds that summary judgment would provide a more appropriate vehicle for addressing the issues raised in Defendant's motion. The hearing scheduled for May 9, 2008 is VACATED.

IT IS SO ORDERED.

Dated: April 28, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE